

## **REMARKS**

### **Status of Claims**

Claims 1-94 were present in the application as filed. In response to a restriction requirement, Applicants elected Group II, claims 1-18, 24-48, 70 and 72-85, drawn to pyrimidines. In correspondence with election of claims of Group II, Applicants amended claims 1, 3, 8, 9, 12, 13, 16, 28, 30, 35-37, 39, 44 and 70, and canceled claims 2, 19-23, 29, 71, and 86-94. In the Non-Final Office Action dated December 3, 2003, the Examiner rejected claims 1, 3-18, 24-28, 30-47, 70 and 72-85, objected to claims 4-15, 18, 26, 27 and 30-47, and pursuant to election requirement withdrew claims 48-69 from further consideration.

By prior amendment, Applicants canceled claims 1, 3, 16, 17, 24, 25, 50, 51, 53, 55, 57, 58, 74-75, and 82-85, amended claims 4, 8, 9, 12, 18, 26, 28, 35, 36, 48, 70, 72, 73, 76, 77, and 79, and added new claims 95-101.

Currently, Applicants cancel claims 97 and 98. The claims now pending in the application are: 4-15, 18, 26-28, 30-49, 52, 54, 56, 59-70, 72, 73, 76-81, 95-96, and 99-101. The Examiner's rejections are addressed below.

### **Rejection under 35 U.S.C. §112, first paragraph**

Claims 97 and 98 were rejected under 35 U.S.C. §112, first paragraph, as lacking enablement.

Without acceding to the propriety of the Examiner's position, and in order to expedite prosecution, Applicants have cancelled claims 97 and 98. Accordingly, Applicants believe that this rejection has now been rendered moot and request that such rejection be withdrawn.

### **Allowable Subject Matter**

Applicants thank Examiner for pointing out that claims 4-15, 18, 26-28, 30-49, 59-70, 72, 73, 76-81, 96, and 99-101 are allowable.

**Rejoinder of Claims of Group V**

In the Non-Final Office Action dated December 23, 2003, the Examiner pointed out that the withdrawn from consideration claims of Group V drawn to pharmaceutical compositions (current claims 48-49, 52, 54, 56, 59-69) would be rejoined and examined if the claims of Group II drawn to pyrimidines were allowed.

Presently, the Final Office Action Summary listed claims 48-49, and 59-69, all belonging to Group V as allowed, in addition to the allowed claims of Group II. Applicants thank the Examiner for the rejoinder of these claims and their allowance.

However, the Final Office Action Summary did not indicate the status of claims 52, 54, and 56 all belonging to Group V. These claims were never cancelled, and they appear to be allowable for the same reasons as allowed claims 48-49, and 59-69. Therefore, allowance of claims 52, 54, and 56 is respectfully requested.

**Conclusion**

Reconsideration and further examination is respectfully requested.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Edward Timmer, Applicants' Attorney at (518) 452-5600 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Date of Deposit: SEPT. 24, 2004

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*Respectfully submitted,*

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